

Exhibit C

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UNITED STATES DISTRICT COURT FOR
THE EASTERN DISTRICT OF NEW YORK

GUMWAND INC.

Plaintiff,

Civil Action No.: 2:15 cv 00707
(LDW) (AYS)

v.

GUM WAND LTD.

and

MARTIN WHITBREAD

Defendants

FILED
U.S. CLERK'S OFFICE
IN CLERK'S OFFICE
DISTRICT COURT E.D.N.Y.
★ JUL 26 2017 ★
LONG ISLAND OFFICE

X

~~PROPOSED~~ DEFAULT JUDGMENT

WHEREAS, as set forth in the accompanying declaration of Scott Genoa, and Gerard F. Dunne, the Plaintiff Gumwand Inc. has been using various GUMWAND trademarks in commerce within the United States and elsewhere for the marketing and sale of steam cleaning devices useful for removing chewing gum residue, and is the owner of several United States and European trademark registrations for the marks in various forms, including United States Trademark Registration No. 4,676,168 for the trademark GUMWAND in any form for mobile fluid cleaning machinery, Community Trade Mark Registration No. 013099841 for the GUMWAND trademark in any form for the European Union, United States Trademark Registration No. 4,635,305 for the GUM WAND logo as used on mobile fluid cleaning machinery and Community Registration no. 013235965 for the European Union as shown below



Whereas as set forth in the accompanying declaration of Scott Genoa, Gumwand Inc. is also the owner of United States Trademark Registration No. 4,676,524 for the GUM WAND logo as used on mobile fluid cleaning machinery and as Community Registration no. 012838918 for the European Union as shown below



and all such trademarks are identified herein as "Gumwand trademarks."

WHEREAS as set forth in the accompanying declaration of Scott Genoa, the Defendants Gum Wand Ltd. and Martin Whitbread have infringed the Gumwand trademarks and violated rights of Plaintiff Gumwand Inc. by improperly using the gumwand.com domain name as well as false advertising and unfair competition relating to Gumwand branded products;

WHEREAS, United States Magistrate Judge Anne Y. Shields on October 13, 2016 entered Sua Sponte Report & Recommendation in this matter recommending a default in this matter, and the Court having accepted such Report and Recommendation and adopted the findings therein in its order of November 4, 2016;

WHEREAS, Defendants having been served with discovery requests relating to their sales of the products accused to infringe the GUMWAND trademarks, and the Defendants having failed to object or respond to said discover requests and

IT IS HEREBY ORDERED, ADJUDGED AND DECREED THAT:

1. This Court shall retain jurisdiction over the subject matter and the parties.

2. Gum Wand Ltd. and Martin Whitbread and their respective agents, servants, employees and those persons under their control or acting in concert therewith are hereby enjoined from

- (A) making any statement that suggests any affiliation or association with Plaintiff Gumwand Inc. or making any statement suggesting either of the Defendants Gum Wand Ltd. or Martin Whitbread had any role in designing, developing or creating any product resembling any product marketed by Plaintiff under any of the Gumwand trademarks, and
- (B) the manufacturing, having manufactured by others, acquiring, importing, offering for sale, selling, advertising, promoting or distributing anywhere in the world any products using any of the GUMWAND trademarks without first obtaining written permission from Gumwand Inc. or using in any manner the Gumwand trademarks alone or in combination with any word or words, design or designs which so resemble the Gumwand trademarks as to be likely to cause confusion, deception, or mistake.

3. That Gum Wand Ltd. and Martin Whitbread shall immediately transfer to Gumwand Inc. complete ownership and control of the gumwand.com website and domain name to Gumwand Inc., and shall permanently refrain and desist from using any domain name having gumwand or gum wand or any colorable variation in its name.

4. Martin Whitbread and Gum Wand Ltd. shall cease and desist permanently

from using Gumwand, Gum Wand or any variation thereof in any name of any continuing business enterprise.

5. This Court further enters judgement for Plaintiff Gumwand Inc. against Defendants Gum Wand Ltd. and Martin Whitbread, jointly and severally, for statutory damages in the amount of \$1,000,000 for the counterfeit infringement of Federally-registered marks as provided by 15 U.S.C. § 1117(c) of the Lanham Act.

6. That Plaintiff Gumwand Inc. receive its costs in this action with interest from the date of the filing of this complaint pursuant to 15 U.S.C. § 1117 and General Business Law §§ 349, 350 and 360-m;

7. That Plaintiff Gumwand Inc. receive interest on its damages awards from the date of this judgement as provided by 28 U.S.C. § 1961.

SO ORDERED:

Central Islip, New York
November, 2016

LEONARD D. WEYLER, USDT
July 26, 2017
United States District Court Judge